IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Con.Case(C).No. 116 of 2006(S)

AGAINST THE JUDGEMENT IN OP.1311/1995 Dated 30/05/2005

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PETITIONER:(PETITIONER IN THE ORIGINAL PETITION):

K. PRABHAKARAN NAIR,
S/O. KARUVANCHERY KALLYANIAMMA, PUTHUSSERY DESOM,
P.O. COONDAL, THALAPPILLY TALUK, THRISSUR DISTRICT

BY ADV. SRI.R.RAJESH KORMATH
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.V.S.ROBIN

RESPONDENTS: (RESPONDENTS 1 & 2 IN THE ORIGINAL PETITION):

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1. JOSEPH, S/O. PULIKKAN LONAPPAN,
MANALUR VILLAGE AND DESOM, P.O. MANALUR,
THRISSUR TALUK, THRISSUR DISTRICT.

2. P. SWAMINATHAN,
FATHER'S NAME AND AGE NOT KNOWN,
REVENUE DIVISIONAL OFFICER, THRISSUR.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI
SRI.SUDHEESH.A.
SRI.VENUGOPALAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. Siri Jagan, J.

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Cont. Case (C) No. 116 of 2006

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Dated this, the 22nd February, 2007.

J U D G M E N T

Learned counsel for the petitioner submits that finally the judgment has been fully complied with yesterday. But, he points out that he had to fight tooth and nail against the Government officers to see that the judgment is complied with incurring in the process huge expenses including the batta for taking out an advocate Commission to prove that the affidavit filed by the respondent does not portray the real fact situation, which stand of the petitioner has been vindicated by the report of the Commissioner. In the above circumstances, he submits that costs may be awarded to him in this contempt case.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader .

3. When this contempt case was originally filed, the concerned RDO had filed an affidavit to the effect that the directions in my judgment had been fully complied with. This statement was seriously challenged by the petitioner. In the above circumstances, I had asked the petitioner to take out an advocate commission to ascertain whether the order has been so complied with or not. The advocate commissioner, who inspected the site, reported that the judgment has not been fully complied with as reported by the respondent. It is thereafter, that too under threat of further action that the respondents have complied with the directions in my judgment. That being so, the petitioner is entitled to at least the expenses incurred by him for taking out the advocate commission. In the above circumstances, I am inclined to direct the respondents to pay costs of the petitioner for taking out the commission.

Accordingly, the respondents shall pay Rs. 5,000/- each as costs to the petitioner towards the expenses incurred by him for taking out the commission. But, it is pointed out that the officer who was initially in charge and bound to comply with the directions in the judgment has changed and the present respondent took charge only

later. I make it clear that the State shall see that the officers who were to comply with the judgment at the time of passing the judgment shall bear the costs. The contempt case is closed with the above direction.

Sd/- S. Siri Jagan, Judge.

Tds/

[True copy]

P.S to Judge.